

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Benjamin Caleb Neal,

Case No. 22-CV-0757 (WMW/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Pathways Treatment Facility,

Defendant.

On April 12, 2022, this Court issued an order requiring Plaintiff Benjamin Caleb Neal to pay an initial partial filing fee of \$105.20. (*See* Dkt. 5 at 4.) The Court gave him 20 days—i.e., until May 2, 2022—to pay this fee, failing which the Court would recommend dismissing this action without prejudice for failure to prosecute. (*See id.*) That deadline has now passed, and Neal has not submitted the ordered fee. This Court thus now recommends dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,
IT IS RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE**
under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: May 24, 2022

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).